

Civil Rights in the United States in 1948

A Balance Sheet of Group Relations



NATIONAL ASSOCIATION FOR THE ADVANCEMENT
OF COLORED PEOPLE



AMERICAN JEWISH CONGRESS

Foreword

This Balance Sheet of Group Relations in the United States for 1948 is the first of what we hope will become an annual series of similar reports. It is submitted in the belief that it will be found useful to the ever-increasing number of Americans who regard the field of civil rights as the most important area of our national life in which democracy remains unfinished and who will wish periodically to assess the progress being made in that task.

Discrimination and prejudice condemn a large part of our population to substandard housing, to limited opportunity for useful employment, to inadequate schools, and frequently to outbreaks of violence. The effects of these practices however, embrace all Americans. So long as democracy and equal rights do not extend to all people in our midst, our democratic structure is incomplete and therefore insecure. Intergroup hatred and hostility have always provided a ready weapon for the enemies of democracy and freedom. They were so used by Hitler and others before him. They are so used today to maintain "white supremacy" in parts of this country.

Changes in group attitudes and hostilities are very difficult to assess. We can, however, measure changes in the chief bulwark of racial prejudice—the existence and sanctioning of patterns of conduct which separate group from group and create arbitrary discriminations among them. In this balance sheet, which we publish in addition to our separate annual reports, we seek to report and to evaluate major developments which bear on the problem of group relationships and the extent to which the laws and public policy by which they are governed have moved towards the elimination of those discriminatory practices.

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Introduction And Summary

In the annals of race relations in the United States, the year 1948 must be set down as one of great promise but scant fulfillment. No major federal civil rights bill was enacted. A few State and local governments took forward steps but there was no significant change in the basic failure of our government to enforce the broad constitutional mandate of equality. In the realm of private action some reforms were achieved in scattered instances throughout the country but the practice of discrimination and segregation because of race, religion and national origin was still the rule in much of the day-to-day activities of the population.

On the other hand, there can be little doubt that in 1948 the American people thought, read and talked about civil rights more than they ever had since the Civil War and Reconstruction periods. Shortly before the year opened the President's Committee on Civil Rights had presented to the American people a searching analysis of the shortcomings in our practice of democracy and a detailed program for improvements. During the ensuing months well over one million copies of its report were distributed. The Government Printing Office sold 61,000 copies and a like number was sold of the bound volume published by Simon and Schuster. The newspaper PM distributed more than 250,000 reprints of the report which it had published complete in one of its issues. The report was syndicated in serialized form in the Negro press. In addition, probably more than a million pamphlets analyzing and digesting the report were sold by many organizations. Wide distribution was also given to the report of the President's Commission on Higher Education, issued in December 1947, which devoted a great deal of space to the problem of school segregation and the university quota system.

On February 2, President Truman delivered a special message to Congress on civil rights. Endorsing the program of his

Committee generally, the President selected 10 items for special emphasis and requested Congressional action without further delay.

Americans everywhere were thus alerted to the necessity of achieving peaceful and fair relations among the many groups which constitute our population. They examined their own personal conduct, the policies of their clubs and societies and the status of minorities in their communities. Finally, the wall of segregation and discrimination, often considered impregnable by defenders and attackers alike, received some heavy blows from voluntary associations and began to show cracks here and there. Nineteen forty-eight was a year in which private groups rather than government agencies accepted the responsibility for achieving democracy in group relations.

Public Awareness

The issue of civil rights was before the American people throughout the year. The report of the President's Committee, "To Secure These Rights," was under lively discussion as 1948 arrived. President Truman's message came in February. Southern legislators and politicians kept the issue alive from that time forward. They organized the States' Rights party in the South and made the question of civil rights an important issue in the national elections. Once the Democrats' startling victory became evident, the talk turned to the fulfillment of their campaign promises. Meanwhile, Supreme Court decisions advancing minority rights brought the issue repeatedly to the attention of the public in still another way.

Public awareness of the civil rights issue was both revealed and increased by the large number of books on group relations which received wide circulation, as well as motion pictures like "Gentleman's Agreement" and "Crossfire," and many radio forums on national networks. Ray Sprigle, a white man who had previously won a Pulitzer prize in journalism, traveled for weeks through the South as a Negro, and reported his observations in a widely-discussed syndicated series of articles. Sprigle's series received first prize from the Irving Geist Foundation and the New York Newspaper Guild as the news story which did most

to combat racial, religious and nationalistic prejudice. Other prizes were awarded for stories in the New York Post, Star and Times.

Four communities, Montclair and "Northtown" in New Jersey, Minneapolis and Denver, conducted "self-audits." Local leaders directed a survey of group relations in these cities and started to take action to cure the evils which they had discovered.

Among the non-fiction books on group relations issued by commercial publishers in 1948, the following were the most prominent:

HUGH GLOSTER, *Negro Voices in American Fiction*, University of North Carolina Press
BEATRICE GRIFFITH, *American Me*, Houghton Mifflin
KURT LEWIN, *Resolving Social Conflicts*, Harper
R. M. MACIVER, *The More Perfect Union*, Macmillan
CAREY MCWILLIAMS, *A Mask for Privilege*, Little Brown
HENRY LEE MOON, *Balance of Power: The Negro Vote*, Doubleday
ROI OTTLEY, *Black Odyssey*, Scribner
ARNOLD ROSE, *The Negro in America*, Harper
MALCOLM ROSS, *All Manner of Men*, Reynal and Hitchcock
BRADFORD SMITH, *Americans from Japan*, Lippencott
ROBERT C. WEAVER, *The Negro Ghetto*, Harcourt Brace
WALTER WHITE, *A Man Called White*, Viking
W. L. WHITE, *Lost Boundaries*, Harcourt, Brace

Public Demand

Growing public awareness of civil rights problems was accompanied by a growing belief that action could and should be taken to solve them. More and more citizens embraced the conclusion of the President's Committee on Civil Rights that "all of our governments, federal, state and local, must be uncompromising enemies of discrimination which is prejudice come to life." They accepted the doctrine of the President's Commission on Higher Education: "When assurance of good conduct in other fields of public concern has not been forthcoming from citizen groups, the passage of laws to enforce good conduct has been the corrective method of a democratic society."

The result was not only a broad demand for effective national and local legislation and correction of abuses within govern-

mental agencies but also strengthening of the forces organized to achieve that demand. The great need for coordinating the activities of the many organizations in the field was not met. Nevertheless, a great degree of agreement was achieved on objectives, priorities and methods.

The President's Program

The President's civil rights program included a federal FEPC law, legislation against the poll tax and lynching, the establishment of a civil rights division in the Department of Justice, a permanent commission on civil rights, strengthening of existing civil rights legislation, a law to enforce fairness in elections, the end of segregation and discrimination in interstate transportation, and an end of racial obstacles to citizenship. On July 28, the President ordered "equality of treatment" in the armed forces regardless of race or color and the elimination of discrimination in federal employment.

One unusual aspect of the President's program has been generally overlooked. In requesting elimination of segregation as well as discrimination in interstate commerce, he necessarily repudiated the notorious "separate but equal" doctrine heretofore accepted without question in Federal activities. Unfortunately, he did not follow the same policy in his executive orders regarding the armed forces and federal employment.

The Congress

The Eightieth Congress failed to pass a single major civil rights bill either in its regular sessions or in the special session in July 1948 which was held after both the Republicans and Democrats adopted party platforms supporting civil rights legislation.

The House of Representatives, which had passed the anti-poll tax bill in 1947, put the anti-lynching bill through the committee stages, and took no action at all on FEPC. The Senate put all three bills through Committee but allowed only the anti-poll tax measure to get to the floor where it was killed in a filibuster. The bill to end the racial ban on immigration succeeded only in obtaining House committee approval.

The Supreme Court

The United States Supreme Court continued to protect minority rights, following its trend during the last decade. In 1948 the Court issued six decisions favorable to minorities in education, housing, business and employment, and transportation. These cases involved specifically the rights of Negroes and Japanese aliens but the results strengthened the legal position of all minorities.

A reflection of the growing public concern about racial discrimination was seen in the large number of briefs filed in the Supreme Court by civic organizations. Appearing as *amicus curiae* (friend of the court), national bodies representing racial, religious, national, labor, veterans and other groups filed briefs in several cases urging the court to apply the constitutional mandate of equality in new fields.

In the following pages, significant occurrences during 1948 in group relations are listed and analyzed. Important forward steps are marked with the symbol ★.

I. CITIZENSHIP — IMMIGRATION AND NATURALIZATION

The right to enter this land and become a citizen has been thwarted by racism for decades. The Oriental Exclusion Acts of 1882 and 1917 were frankly addressed to the exclusion of certain Oriental groups on the basis of race. The Immigration Act adopted in 1924 not only limited the total amount of immigration but also established the "national origins" quota system which made the right to enter depend on the country in which the immigrant was born. While based on nationality rather than race, the quota system was supported by its advocates frankly on the ground that it would limit the immigration of "undesirable types."

The quota system is still in effect but the war years saw repeal of part of the Oriental Exclusion Act so that it now bars only Japanese and certain other Asian groups.

During 1948 demands were made for both the lifting and tightening of the quota system and the over-all limitation on

immigration but no steps were taken in either direction. An effort to repeal the remaining provisions of the Oriental Exclusion Act also failed except for a few minor concessions to veterans and persons already in this country.

The most important development with respect to immigration was the enactment of the Displaced Persons Act of 1948. Unfortunately, the manner in which that Act was amended before final passage demonstrated the existence of extreme anti-democratic attitudes in Congress itself. Provisions which had the effect of sharply curtailing the number of Jews who could be benefited were justified in openly anti-Semitic speeches. (See item 6, this section.)

1. Our immigration and naturalization laws had been amended prior to 1948 to admit Chinese, Indians and Filipinos but they still exclude Japanese, Siamese, Afghanists and natives of other parts of Asia and Indonesia. Bills to eliminate all remaining racial barriers to immigration and naturalization received widespread support, including endorsement from the Boards of Supervisors of Los Angeles and San Francisco, but failed to pass either House of Congress.

★ 2. The complete ban on naturalization of Japanese and other Orientals was lifted by a law enacted on June 1 to permit naturalization of veterans regardless of race.

3. A federal law, enacted July 1, extended the Attorney General's discretion to withhold deportation of "aliens ineligible to citizenship." Until this amendment was passed, the Attorney General's ordinary authority to suspend deportation in meritorious cases did not extend to those Japanese-born residents who became deportable after Pearl Harbor.

4. A federal district court held on April 29 that renunciation of citizenship by 2,300 American-born persons of Japanese descent during the wartime evacuation and detention was made under duress and was therefore void.

5. A federal law was enacted July 2 authorizing the Department of Justice to decide claims resulting from the wartime evacuation of persons of Japanese descent.

6. On June 25, the President signed the Displaced Persons Act of 1948 which was widely criticized as being unduly restrictive, discriminatory against Jews and generally racist in character. The President, in signing the bill, expressly condemned it as "discriminating in calloused fashion against displaced persons of the Jewish faith." Particular criticism was addressed to (a) the "cut-off date" provision which excluded from the benefits of the bill the many Jews who entered the displaced persons camps during 1946 as a result of pogroms in Poland, (b) the preference given to persons from the Baltic countries and (c) the "Volksdeutsch" provision which adopted the theories of Hitler in giving special preferences to "persons of Germanic ethnic origin."

II. ELECTIONS AND THE RIGHT TO VOTE

The American doctrine that the right to vote is essential to preservation of a free society does not rest on abstract principles. Common sense teaches that government officials will be responsive to the needs and wishes of those who can turn them out of office and will give little heed to those who have no voice in their selection. It is for that reason that many students of civil rights believe that if the right to vote is adequately protected many other needed reforms will follow as a matter of course.

This may be an oversimplification. There is no evidence of substantial exclusion of ethnic minorities from the polls in the North and West. Yet discrimination, segregation and official violence against such groups continue in those areas. It may not be doubted, however, that the greater degree of repression in the South is principally buttressed by the continued large-scale disfranchisement of Negroes there.

Significant progress has been made in recent years toward the elimination of this evil. Partly as a result of court decisions, many of them in cases handled by the National Association for the Advancement of Colored People, attacking the white primary, the number of Negroes voting in the South has increased steadily. The Negro vote in the South in 1948 has been estimated at 700,000 as against 150,000 in 1940. Yet even

the former figure represents only 14% of the Southern Negro population of voting age. Despite the victories won in court and elsewhere, new devices are being found every year to keep Negro voting at a minimum and the outright use of violence against those Negroes who dare to exercise their newly won right remains a potent threat.

★ 1. A pre-election survey by the National Association for the Advancement of Colored People forecast that 3,000,000 Negroes would vote in the national election, whereas only 1,000,000 were estimated to have voted in 1944.

2. In June the Democratic Party executive committees of six South Carolina counties, comprising one-fourth the population of the State, refused to follow the instructions of the State Democratic Convention and enrolled Negroes for the primary elections on the same basis as whites.

3. 30,000 Negroes voted in the Columbia S.C. Democratic primaries on August 11, the first time in seventy years that they had voted in such numbers. There were no reports of racial friction.

★ 4. On November 26, Federal Judge Waring issued the last of his series of decisions in the South Carolina white primary case, permanently enjoining the South Carolina Democratic Party from refusing to permit Negroes to vote in the primary or participate in the party.

5. A suit was filed in a federal court in Alabama attacking the constitutionality of the "Boswell" Amendment to the Alabama constitution which requires voters to meet certain educational requirements. On December 20, during the trial of the case, one of the defendant registrars admitted that the tests were given to most Negroes but to no whites.

6. On December 17, Governor Talmadge of Georgia and his legislative leaders announced their plans for a statute which would establish an educational qualification for voting which, they estimated, would keep 80% of Georgian Negroes from voting.

7. In November, a United States district court judge in Virginia sustained the significant parts of the complaint in a suit to permit a Negro to vote without paying a poll tax. He directed that the case proceed with hearing evidence on whether the Virginia poll tax requirement was intended solely to prevent Negroes from voting.

8. After a Ku Klux Klan warning that racial equality programs would lead to bloodshed, Negroes in Wrightsville County, Georgia, remained away from the polls in the Democratic party primary on March 3. Over 400 Negroes in the County had qualified as voters.

9. On September 8, Isaac Nixon, a Negro, voted in a primary election in Georgia after being warned not to do so. That day he was murdered by two white men. The latter were exonerated by a Superior Court jury on November 4.

10. A negro minister charged in Columbia, S.C. that he was clubbed, stabbed and left for dead, while two policemen looked on, after he voted in the August 10 Democratic primary.

★ 11. For the first time since Reconstruction days, a Negro was elected, on June 8, to the City Council of Richmond, Va. At least 2,000 of his 9,097 votes were said to have been cast by white persons.

★ 12. On July 18, the Arizona Supreme Court overturned a 1928 ruling and held that Indians on reservations were entitled to vote.

★ 13. On August 3, a Federal court ruled that the New Mexico constitutional provision denying Indians the right to vote was unconstitutional.

14. The federal anti-poll tax bill, passed by the House of Representatives in 1947 by an overwhelming vote, was blocked in the Senate during 1948 by a filibuster.

III. THE RIGHT TO SAFETY AND SECURITY OF THE PERSON

The year 1948 saw the lynching of one Negro and one white man, seven attempted lynchings of Negroes, the murder

of a Negro for voting in Georgia, the death of 13 Negroes and injuries to 32 more while in custody of the police and several other incidents in which racial prejudice erupted into violence. Local officials showed a slightly increased sense of responsibility for bringing the guilty parties to trial but the problem of obtaining convictions continued to be acute.

There is no need to review here the gravity of the problem of lynching and police brutality. Nothing can be added to the findings of the President's Committee on Civil Rights that "lynching is the ultimate threat by which his inferior status is driven home to the Negro," that most of the victims of police brutality "are ignorant, friendless persons unaware of their rights and without the means of challenging those who have violated those rights," and that "unpopular, weak or defenseless groups are most apt to suffer."

1. Hearings were held during 1948 in both the House and Senate on the Wagner-Morse-Case federal anti-lynching bill which was introduced in 1947 with the support of civil rights groups. Both the House and Senate Judiciary Committees reported the bill favorably but the Senate committee attached weakening amendments. The bill did not come up for a vote in either chamber.

2. Tuskegee Institute recorded two lynchings during the year, one of a white man and one of a Negro. The latter is described in item 5 below. One person received the death sentence and three received life imprisonment for the lynching of the white man. Tuskegee Institute also listed the killing of Isaac Nixon, listed in item 9, section II above, as a "borderline case." It was not called a lynching because the Institute limits that term to murder of a person by a mob of three or more persons.

3. Tuskegee Institute also announced that during 1948 seven mobs were prevented by officers of the law from lynching 19 persons, all Negroes.

4. The National Association for the Advancement of the Colored People has received information that 13 Negroes were killed by policemen, prison guards or other public officials who had custody of them — 10 in the South and three elsewhere.

Its information also indicates that 32 more Negroes sustained injuries from assaults by public officials — 19 in the South, 8 in New York City and 5 elsewhere. Several of these incidents and the action taken against the officials involved are noted below.

5. On November 20, a group of robed, unmasked men shot and killed Robert Mallard, a Negro, while he was returning from a church service with his family. The incident was kept out of the newspapers for four days. Local authorities arrested Mallard's wife but subsequently released her. On December 4, five white men were arrested and held under suspicion for murder. Two of the five were indicted by a special grand jury on December 10.

6. A Negro was slain by a railroad detective in West Virginia on February 14 after refusing to ride in Jim Crow accommodations. The detective declared he had acted to protect a constable who was being assaulted by the Negro as he was resisting arrest.

7. A Negro was beaten to death by a white man for approving President Truman's Civil Rights program. A grand jury of Mobile County, Alabama, failed to indict the slayer.

8. Two Negroes under sentence for burglary in Rome, Georgia, lost parts of their feet from frostbite while in solitary confinement for nine days for infraction of prison rules. The supervisor of the training school was dismissed and the State Board of Correction voted to make financial reparations for the injuries.

9. In Memphis, Tennessee, a Negro was assaulted by two police officers after he had charged that money was taken from him during a police investigation of a disturbance. The attack, which took place on May 16, resulted in the loss of his right eye. The two policemen were dismissed and at a subsequent trial one was fined \$51 and the other freed.

10. A federal grand jury in Texas indicted a county sheriff and a police officer in February on charges of violating the civil rights of one of two Negro men held in custody. Both were beaten in an effort to secure confessions to robbing their own restaurant. The robber was later apprehended.

11. An Alabama sheriff and one of his deputies were arrested by federal officers on November 19 on charges of violating the civil rights of 9 Negroes in Georgia. It was alleged that they had engaged in cruel mistreatment and physical abuse for the purpose of imposing illegal punishment.

12. An Alabama state prison director admitted that Negroes were hitched to plows to plow farmland because the ground was too soft for mules.

13. Robed, hooded men on June 11 entered a Negro girl-scout camp in Alabama, allegedly looking for "cards with hammers and sickles on them." They gave two white instructors twenty-four hours to leave town. The camp was disbanded to prevent violence.

14. In Chicago, Illinois, a Negro woman who was mistaken for white was severely beaten by four white men for walking in the company of a Negro. One of the four men was arrested but the other three escaped.

15. Two groups of Progressive Party workers charged that they were kidnapped and threatened by mobs in Columbus and Augusta, Georgia, on September 24 and 26 for "associating with colored people." Several Progressive Party workers were forced from a hotel room in Columbus, driven 30 miles from town and threatened with violence. Five were taken from headquarters in Augusta by a mob of 300. Charges were filed with the Department of Justice.

16. In New York City a Negro veteran, his wife and two friends were beaten by a group of 15 or more men who broke into his home on February 1. The reason for the assault was not reported.

17. In New York City one Negro was critically wounded and 5 others received wounds of various seriousness when set upon by a youthful gang of about 25 persons.

18. An all-white jury in Tampa, Florida, on December 10, took twenty minutes to convict a white man of assault with intent to rape a Negro woman. He was sentenced to 20 years in prison.

19. An all-white Alabama jury in Elmore County on December 2 and 3 convicted two white men for raping a Negro woman and approved sentences of 45 years in prison for each of them.

20. For the first time Negroes were sworn in as members of a Jones County Mississippi Grand Jury on February 6. Although Negroes had served on federal juries in that county, this was the first state jury which included Negroes. The three Negroes passed on the case of a Negro accused of raping a white woman.

21. In October, 64 Southern cities were using a total of 236 Negro police officers, an increase of 8 cities and 43 officers over 1947.

IV. SEGREGATION GENERALLY

Racial segregation is the most effective method of establishing a basis for discrimination and exclusion. It is justified by its proponents implicitly, and often explicitly, on theories of racial superiority. Once a race is segregated it becomes impossible to advocate equality with any hope of success. In short, the necessary result of segregation is inequality.

In some States segregation is compelled by law. In others it is merely permitted by the applicable statutes. A few States forbid segregation in limited areas. Although the Constitution forbids racial discrimination by the States, the Supreme Court held in 1896 that segregation did not violate the Constitution provided that "separate but equal facilities" were maintained. It is now generally recognized by all disinterested observers that the "separate but equal" doctrine is, in the words of the President's Committee on Civil Rights, "one of the outstanding myths of American history for it is almost always true that while indeed separate, these facilities are far from equal." Until the Supreme Court recognizes this fact and reverses its 1896 decision only piecemeal attacks on segregation can be made.

Segregation exists today in many activities of the federal and state governments: in the armed forces; most public

housing, state and federal, north and south; the public schools in the South, the District of Columbia and several northern States; and almost all of the federal and state facilities in the South including the courts and public parks. Segregation is imposed by law in the South on such privately-owned facilities as transportation and schools. It is tolerated throughout the country, with few exceptions, in housing, employment, labor unions and other aspects of our society too numerous to mention.

Segregation was vigorously attacked during 1948 in court actions against state university and school officials, in the report of a national group on segregation in Washington, D.C. and in the activities of many other private bodies. Some private associations put their words into action by changing long-existing Jim Crow patterns.

Little progress was made, however, in changing either the laws or the official practices which maintain segregation. The Supreme Court declined an opportunity to condemn segregation in state universities. A few concessions were made by universities in Arkansas, Oklahoma, Maryland and elsewhere. President Truman, issuing an executive order on discrimination in the armed forces, made no mention of segregation. Similarly, his executive order on discrimination in Federal employment did not forbid segregation of Federal employees, a common practice, nor did he take any steps to end segregation in housing projects and other facilities under federal control. He did, however, call upon Congress to prohibit segregation in interstate commerce.

An important victory was won in California where the State Supreme Court struck down the statute forbidding interracial marriages. Twenty-nine miscegenation statutes remain in effect in other States.

The items in this section refer to segregation problems generally. Further items affecting education, housing and similar headings appear in the following sections.

1. On December 10, the National Committee on Segregation in the Nation's Capital issued its 91-page report analyzing

in detail the Jim Crow practices of Washington, with particular attention given to discrimination in the employment patterns of the Federal and District of Columbia governments, the segregated school system and the ghetto pattern in housing. It concluded, "Only by using the power vested in Congress in behalf of the nation and the nation's principles can the city of Washington be restored to its original destiny."

★ 2. A Maryland state commission to study Negro problems recommended to the governor in February the repeal of state laws requiring racial segregation.

3. A Virginia legislator introduced in February five bills to abolish all segregation in Virginia, except in education. He was immediately dropped from two positions in the Typographical Union, No. 90 and a legislative committee agreed to "pass by indefinitely" the bills introduced.

4. A federal district court on July 13 ordered the City of Baltimore to open its three golf courses to Negroes but indicated that the city might properly restrict Negroes to the use of the courses on certain days. After a month of this type of segregation the board of recreation and parks reported that income had fallen about \$300 a week because so few Negroes used the course on the days reserved for them.

★ 5. For the first time Negroes were admitted, on May 11, to all departments of the main branch of the Louisville, Ky. public library, on the same basis as whites.

★ 6. The Civil Aeronautics Administration, on December 27, directed an end to racial segregation at the Washington National Airport in Virginia.

7. Senator Glen H. Taylor, Progressive Party vice-presidential candidate, was arrested in Birmingham, Alabama, and convicted on May 4 for attempting to enter a segregated meeting at a church through the door reserved for Negroes. His appeal from a \$50 fine and suspended 100-day jail sentence were still pending at the end of the year.

8. Despite widespread protest, cemeteries in Chicago con-

tinued to refuse to bury Japanese-Americans, including American-born veterans of World War II.

9. The California Supreme Court, on October 1, ruled that the state law barring interracial marriages was unconstitutional. This was the first time such a law had been invalidated by any tribunal. Twenty-nine other States still prohibit marriages between Caucasian and various non-Caucasian groups.

10. A resident of Mississippi, who had been living as a white man and had served in the armed forces as such, was sentenced on December 18 to five years in prison for breaking the state law against interracial marriage by having married a white girl in 1946. Denying the State's contention that he is one-eighth Negro, the convicted man will appeal.

V. DISCRIMINATION IN EMPLOYMENT AND BUSINESS

One of the basic rights of all persons in a democratic society is the freedom to engage in any occupation for which one is fitted without discrimination because of race, religion or national origin. That right is widely denied in our society today. In fact, it is in the realm of employment that discrimination affects, in one form or another and to a greater or lesser degree, virtually every identifiable minority in the population. Only small gains were made in curbing that evil during 1948.

President Truman issued an executive order forbidding discrimination but not segregation in federal employment. The agencies enforcing the four state laws against discrimination in employment continued to receive a small number of complaints. One explanation appeared in a study showing that only a very small proportion of New York City residents knew that they had the right to seek redress from a state agency if they were refused a job because of race or religion.

Legislation against discrimination in employment was limited to the comprehensive FEPC ordinance adopted in Philadelphia and the Phoenix, Arizona ordinance applicable only to employment with the city and city contractors. Em-

ployment studies during the year revealed some favorable trends in the broadening of work opportunities for minorities.

The United States Supreme Court issued two decisions striking down racial barriers to the right to engage in farming and fishing.

1. The bi-partisan Ives-Fulton Federal FEPC bill failed of enactment in the 80th Congress, despite the support of many nation-wide organizations.

★ 2. On July 26th, President Truman issued an executive order directing elimination of racial and religious discrimination in Federal employment. It established a fair employment board in the Civil Service Commission and provided a procedure to insure compliance with the order. Fair employment officers were subsequently appointed in the various government agencies. The order did not prohibit segregation of Federal employees nor did it mention discrimination or segregation in Federal courts, housing, offices or other facilities.

3. In November, the Secretary of the Treasury discharged an Alabama Collector of Internal Revenue for refusing to comply with the executive order forbidding racial discrimination in the federal service.

★ 4. An FEPC ordinance, passed unanimously by the Philadelphia City Council, became law on March 12.

5. Phoenix, Arizona, early in 1948, adopted a fair employment practice law for city jobs and for employees of all firms that have contracts with the city.

★ 6. In granting a renewal of a power and light franchise to the Commonwealth Edison Company, the Chicago City Council included a clause forbidding the company to engage in racial or religious discrimination in employment.

7. The Charter Commission for Jackson County, Missouri, in which Kansas City is located, submitted a proposed charter prohibiting racial and religious discrimination in employment by the county and county contractors.

8. The state agencies administering the four state laws against discrimination in employment handled 869 cases during the period covered by their 1948 annual reports: 453 in New York (January to December, 1948), 210 in New Jersey (July 1947 to June 1948), 142 in Massachusetts (December 1947 to December 1948) and 64 in Connecticut (July 1947 to June 1948). As in the past, all cases were settled by conciliation and without resort to formal proceedings.

9. A study sponsored by American Jewish Congress showed that only 8% of New York City residents knew that there was a state law against discrimination in employment and that there was a state agency to which they could complain if they were discriminated against.

10. The New York State Commission Against Discrimination announced on December 6 that ten railroad unions had either entirely eliminated discriminatory clauses from their constitutions or had made them inoperative in New York, Connecticut, New Jersey and Massachusetts, the four States with FEPC laws.

11. The Brotherhood of Locomotive Fireman and Engineers announced on January 26 that the union would end its long opposition to giving Negro firemen the fair treatment ordered by the Supreme Court in 1944. The union will seek to eliminate discriminatory clauses from its agreements with Southern railroad companies.

12. In New York City, Negroes have begun to shift from menial jobs and non-skilled work to sales, clerical and semi-skilled jobs, according to a U. S. Bureau of the Census study conducted for the Urban League of Greater New York and made public on October 4.

13. 7,400 Negroes in 25 cities were employed in white-collar jobs in business owned by whites and in industries in white neighborhoods, according to a survey made public by the National Urban League on October 20. Negroes are slowly moving into clerical and sales positions but are not making much headway in professional and technical employment.

14. A Negro graduate of Harvard Law School was selected by U.S. Supreme Court Justice Felix Frankfurter on April 26 as his law clerk. This is the first time a Negro has been appointed to a clerkship by a Supreme Court Justice.

★ 15. The United States Supreme Court, on January 19, in *Oyama v. California* [332 U.S. 633], held unconstitutional an essential part of the California Alien Land Law which prohibited ownership and occupation of agricultural land by persons ineligible for American citizenship. The latter phrase is widely recognized as a euphemism for Japanese. The prevailing opinion placed the decision on narrow grounds but four justices expressed the opinion that the entire statute was unconstitutional. The Attorney General of the State subsequently announced abandonment of all other proceedings under the Act.

★ 16. In *Takahashi v. Game Commission* [334 U.S. 410] the Supreme Court on June 7 invalidated another California law prohibiting the issuance of fishing licenses to persons ineligible to citizenship, i.e., Japanese.

VI. DISCRIMINATION IN EDUCATION

Racism in education was the target of particularly heavy fire during 1948. In Arkansas, Negroes were admitted on a fully unsegregated basis to the state law and medical schools. In a few other Southern States it was recognized that Negroes must be admitted to the graduate schools of state universities where no corresponding facilities are offered for Negroes. Much of the progress in this area resulted from court cases handled by the National Association for the Advancement of Colored People.

Legal actions destined for ultimate disposition by the United States Supreme Court were prosecuted against state university officials in Texas and Oklahoma. At the grade and high school level, segregation was eliminated in some of the areas where it prevailed in the Northern States but it remained untouched in the South where action was limited to attacks upon inequality in facilities and salaries in the Negro and white schools.

The quota system of the Northern colleges and universities received a heavy blow in New York which enacted a fair educational practices act. That act, known as the Quinn-Olliffe law, is the first of its kind in the country. Its adoption followed the publicity given to several governmental studies which revealed how the quota system discriminates against many minorities, particularly Jews and Negroes.

Despite these gains, it is clear that much unfairness and illegality remain. Southern school officials have shown little inclination to yield voluntarily to the decisions of the Supreme Court requiring equalization of their discriminatory segregated systems and the process of eliminating inequality by local action is, at best, very slow. In the North formal segregation still exists in the public schools of some areas and in many other areas where segregation is illegal, it is accomplished by local officials through the process of gerrymandering; school districts are established so that Negroes are effectively segregated even though as a result, both Negro and white children are forced to attend schools at a much greater distance than the nearest to them. Many more States will have to enact and enforce effective fair educational practices acts before the quota system is eliminated.

1. The Report of the President's Commission on Higher Education condemning segregation and discrimination in education, published during 1947, was followed during 1948 by a report issued by the Temporary (Young) Commission on the Need for a State University in New York which also condemned discrimination in education and called for regulatory legislation.

★ 2. A fair educational practice act was enacted in New York State on March 11 which prohibits racial and religious discrimination by schools of higher education in New York after September 15, 1948. It establishes administrative enforcement proceedings under the supervision of the Board of Regents.

3. On October 15, the New York Board of Regents issued a rule under the new law against discrimination in education requiring all schools to preserve their data regarding admissions for at least three years.

4. Shortly before the close of 1948, the New York Commission on the Need for a State University released the study which had formed the basis for its recommendation of fair educational practice legislation. Assembling extensive data based on original research, the study concluded that barriers of color and creed had markedly deprived Jews and Negroes of equal access to educational facilities, particularly professional schools, in New York.

5. The effort of a Negro to obtain admission to the Oklahoma State Law School was dealt with twice by the U. S. Supreme Court. In *Sipuel v. Board of Education* [331 U.S. 631], the Court ordered the State to provide equal legal education for the applicant as soon as it did for white applicants. However, in *Fisher v. Hurst* [333 U.S. 147], the Court held that the applicant had not properly raised the issue of segregation in the lower courts and consequently refused to prohibit the State from establishing a separate law school for the applicant. The applicant's subsequent suit in the State courts for non-segregated legal education was still pending at the end of the year.

6. On September 29, a federal court held that Oklahoma University must admit a Negro applicant for a Ph.D. degree in education, since it did not have separate facilities. When the University admitted the applicant and kept him in an anteroom adjoining the white classroom, the federal court held, on November 23, that this practice was not unconstitutional. An appeal is pending.

7. On January 29, a thousand white students at the Oklahoma State University burned a copy of the Fourteenth Amendment and mailed the ashes to President Truman in protest against the institution's segregation policy.

8. The suit by Heman Sweatt to obtain admission to the Texas Law School without segregation was defeated in the Texas courts. It will be appealed to the United States Supreme Court.

9. During 1948, several Southern States signed an agreement for the establishment of regional educational facilities. It was clearly indicated that these regional schools would be segregated institutions. Congressional approval of this compact was

defeated by one vote in the Senate on May 13. Subsequently, the contracting States proceeded with the plan and began preparation for the establishment of medical, dental and veterinarian schools for Negroes. The program will be presented to the state legislatures for approval and funds.

★ 10. The University of Arkansas on August 24 admitted a Negro to its medical school on a non-segregated basis. In September it admitted a Negro to its law school. For a short while the Negro law student was placed in a corner surrounded by a rail but thereafter the rail was removed as "a physical inconvenience."

★ 11. The University of Delaware announced on January 31 that qualified Negroes would be admitted to any course at the University which was not provided by the Delaware State College for Negroes.

★ 12. The University of Maryland announced on November 18 that qualified Negroes would be admitted to the graduate school. Since 1935 Negroes have been admitted to its law school.

13. University of Missouri officials on December 2 urged the amendment of state laws so as to permit the admission of Negroes at state-supported institutions to courses of study not offered at Lincoln University, the state school for Negroes.

★ 14. Segregation of Negro children was eliminated in the school systems of Carlisle, Pa. and Camden, Princeton and many other New Jersey cities.

★ 15. Segregation of children of Mexican descent in Texas public schools was held to be illegal by a federal judge on June 15.

★ 16. Suits were started in the Spring against school officials of five Virginia counties asking federal court injunctions against continuation of discrimination in the facilities for Negro students. One case was still pending at the end of the year. In the other two, injunctions were granted. Thereafter, the court found that the school officials had violated the injunctions by continuing the discrimination. They were given a short period of time to build specified facilities.

★ 17. Suits to equalize salaries of Negro and white public school teachers were successful during the year in Surrey County, Va., Atlanta, G., and Oklahoma City, Okla.

18. An audit report of the North Carolina school fund, made public on April 24, showed that Negro teachers received an average of \$50 more per year than white teachers.

19. The Attorney General of Kentucky ruled on October 6 that Centre College, a Presbyterian institution, could not legally admit three students from Nigeria, West Africa, because of state laws requiring segregation. The Dean had said the college would admit the students if it could do so legally.

20. William Jewell College, a Baptist institution in Missouri, on January 29 denied admittance on racial grounds to a Negro Baptist pastor.

21. Brandeis University opened in October at Waltham, Mass. The first Jewish sponsored university in the county, it announced a policy of complete racial and religious equality barring both the quota system and the use of application forms containing questions about race, religion and national origin.

★ 22. Allison Davis of the University of Chicago became the first Negro ever to hold the rank of full professor on a permanent appointment in a non-Negro Northern university.

23. On December 1, the senior class of the College of Literature, Science and the Arts, at Michigan University, elected a Negro as its president for the first time in college history.

24. Prof. E. Franklin Frazier, serving in 1948 as President of the American Sociological Society, was the first Negro to be elected president of an American professional society not composed only of Negroes.

25. The New York City Council on June 22, adopted a report finding Prof. William E. Knickerbocker, head of the City College Romance Languages Department, to have been responsible for anti-Semitic utterances and the discriminatory award of a medal. When the Board of Higher Education refused, on September 27, to order a trial on charges of unbecoming conduct because it found insufficient evidence, the American Jewish Congress, the Student Council and two faculty members appealed to the State Commissioner of Education.

VII. DISCRIMINATION IN HOUSING

Discrimination in housing results in the establishment of the ghetto patterns which are one of the most outstanding defects in the outward appearance of America. The results of those patterns are far reaching. Segregated housing inevitably results in segregated schools, playgrounds, stores and other places where adults and children meet and acquire their outlook on life.

This form of discrimination is particularly hard to combat since it rests on the reluctance of homeowners to live near minority groups, the unwillingness of realty owners to "jeopardize" their investments and the refusal of banks and other lending institutions to finance unsegregated areas. These factors alone or in combination have been exploited by organized real estate and finance associations to such an extent that it is almost impossible for a homeowner to sell or lease his own property as he chooses.

Nevertheless, an outstanding advance was made during 1948. In recent decades the device known as the restrictive covenant had been used more and more to buttress all the other factors causing housing discrimination. It prevented the use of housing by minority groups not only in the present but also in the future. It enabled one landowner to go to court to compel other owners to discriminate. In one of the most important advances of the year in the fight against discrimination, the United States Supreme Court held that these racial restrictive covenants could not be enforced in state or federal courts.

★ 1. On May 3, 1948, the Supreme Court held that racial restrictive covenants on land were unenforceable in the state or federal courts (*Shelley v. Kraemer*, 334 U.S. 1, *Hurd v. Hodges*, 334 U.S. 24). These extremely important decisions not only made an important form of discrimination in housing inoperative but also greatly extended the scope of the constitutional prohibition of racial and religious discrimination by the States and state agencies. While the court did not hold that the mere making of

such covenants was illegal, its decisions plainly deprive them of all legal effect.

2. In January, the Chicago Improvement Association arranged an agreement between Negro and white groups under which white owners in the area agreed to end enforcement of existing restrictive covenants. Both parties agreed to maintain certain physical standards of occupancy.

3. Following the Supreme Court decisions in the restrictive covenant cases, the press contained many stories on devices which might be used to maintain racial barriers in housing. There was no indication at the end of the year, however, of any widespread effort to resort to these devices.

4. In November, a white man and his wife were killed in St. Joseph, Michigan, because they sold their property, which bordered that of the slayer, to Negroes. The home of a Negro in a "white neighborhood" in Philadelphia was bombed; another such home was destroyed by fire in Hazelcrest, Illinois, and an incendiary fire was started in another such home in Baltimore, Maryland. Disturbances took place in Detroit when a group of white owners picketed a white seller and the Negro buyer of a parcel of property in a previously white area. Despite the occurrence of violence on the part of those on the picket line, no arrests were made by the Detroit police.

5. Renewed efforts to exclude Negroes from the Fernwood Public Housing Project in Chicago were frustrated after a member of the Chicago Housing Authority told the Tenants Council that it could not be recognized by the Authority if it adopted an amendment to its constitution barring Negroes as members.

6. On December 20, the New York Appellate Division affirmed a previous lower court ruling upholding the right of Metropolitan Life Insurance Company to exclude Negroes from the Stuyvesant Town Housing Development. The complainants had argued that the discrimination was unlawful because the development is assisted by exercise of the state power of condemnation, by tax exemption and by other state actions. The complainants announced their intention to appeal to the highest court of New York. The suit is sponsored by the American

Jewish Congress, the National Association for the Advancement of Colored People and the American Civil Liberties Union.

7. On June 16, a federal court issued a consent decree in an anti-trust action against 33 New York financial institutions which forbade, among other things, agreements not to finance property because it is occupied by members of particular racial or national groups.

VIII. DISCRIMINATION IN PLACES OF PUBLIC ACCOMMODATION

Discrimination in places of public accommodation, such as railroads and other carriers, hotels, restaurants, theaters and beaches, has been the subject of statutory prohibition since the last century. Nevertheless, such discrimination is widespread. The failure to enforce the existing statutes is attributable to the methods of enforcement which they provide. An aggrieved person can only sue in the civil courts for a limited sum specified by the statute as a "penalty" or attempt to persuade reluctant prosecuting officials to institute a criminal proceeding against the offender.

Exclusion of Jews, Negroes and other groups from hotels, restaurants and similar accommodations is often belittled as mere "social discrimination" which has no significant after-effects. This view was sharply challenged in the book, "A Mask for Privilege", published during the year. The author, Carey McWilliams, showed how social discrimination forms a basis for maintaining racial class lines in our economic structure.

An effort was made in New Jersey during 1948 to apply modern administrative techniques to the enforcement of a public accommodations statute. Although the New Jersey bill did not pass, it suggested a promising approach in this field.

The constitutionality of this kind of statute, never before tested, was settled in a Supreme Court decision holding that the Michigan civil rights law could be constitutionally applied to a concern engaged in foreign commerce.

1. A bill was offered to amend the New Jersey civil rights law, which makes it a penal offense to engage in racial discrimination at places of public accommodation. It would have added a provision giving the state agency which now administers the New Jersey FEPC law the same power which it now exercises under that law to issue court-enforceable cease and desist orders against such discrimination. It passed with only one dissenting vote in the lower chamber of the state legislature but failed to come up for a vote in the upper chamber before adjournment.

★ 2. In *Bob-Lo Excursion Co. v. Michigan* [333 U.S. 28], the Supreme Court held that the Michigan statute forbidding racial and religious discrimination in places of public accommodation could be constitutionally applied to an excursion company operating boats between Michigan and Canada.

3. The Virginia Supreme Court of Appeals on March 1 upheld a Negro's right to sit where she pleased in an interstate bus. The Negro passenger had been accused of disorderly conduct for refusing to follow the driver's order to sit at the rear of the bus, but the court held this charge a subterfuge.

4. A federal court on December 7 upheld the right of a company to segregate Negro passengers on interstate buses so long as equal facilities were provided. While a State, the court conceded, could not legally require such segregation, the private carrier could do so.

5. The Interstate Commerce Commission in February ruled that private carriers in interstate commerce could adopt reasonable rules segregating Negro passengers.

6. On December 7, a New Jersey Appellate Court held that the New Jersey Civil Rights Law applied to the refusal of Palisades Amusement Park to admit Negroes to its swimming pool. The court held that the term "places of public accommodation, resort or amusement," was broad enough to cover swimming pools, even though they were not included in the specific statutory list of the places covered by the act.

7. A Washington, D.C. municipal court on November 5 upheld the right of the National Theatre, converted from a playhouse to a movie house, to bar Negroes from admittance.

IX. DISCRIMINATION IN THE ARMED FORCES

The Report of the President's Committee on Civil Rights dramatically revealed how the racial practices of the armed forces can either create prejudice by imposing segregation or contribute to its diminution by abandoning the racist practices which are still the general rule. As long as segregation continues in the armed forces we lose the opportunity to give to large numbers of our citizens an effective, practical lesson in democracy. Instead, we impose on men from all over the country the undemocratic separatism which is the rule only in a single section.

Substantial progress in the elimination of segregation was made during 1948 in the Navy, but there were no signs of improvement in the Army or Air Forces. The Army pattern was defied by New Jersey which eliminated segregation in its National Guard.

★ 1. On July 26, the President ordered "equality of treatment of all persons in the Armed Services without regard to race, color, religion or national origin." The order, however, failed to direct the elimination of racial segregation.

★ 2. The "Pittsburgh Courier" published an article in October describing the substantial gains made in the Navy toward eliminating segregation. All ratings are now open to Negroes, and barracks, mess rooms and class rooms at the Great Lakes Training Center are unsegregated.

3. A group of Negro leaders conferred with officials of the U. S. Army and Air Force on April 26 but found no sympathy for their recommendation that segregation be eliminated.

4. The Selective Service Act of 1948 became law on June 29, after efforts to add provisions forbidding segregation in the armed forces were defeated.

5. On December 27, a federal court action was commenced to prevent Selective Service officials from placing a Negro registrant in a segregated army.

★ 6. In conformity with the new state constitution, the governor of New Jersey early in February ordered National Guard

officials to ignore U. S. Army orders and to end segregation in the Guard. The U. S. Secretary of the Army stated that it would continue to give "federal recognition" to the New Jersey Guard, but that the segregation policy will hold for Guard units in other States and for the Army itself.

7. A bill to outlaw segregation in the New York National Guard was killed when the legislature adjourned on March 13. A vote on the measure was blocked by delay in printing amendments to the bill and the sponsor of the bill charged that the delay was caused deliberately to block its passage.

X. DISCRIMINATION IN PRIVATE ASSOCIATIONS

Although segregation and exclusion of minorities continues to be widespread, both practices were assailed during 1948 by voluntary societies in the issuance of statements of policy and in changes in their own practices. The extent to which private groups practice racial equality is more than merely a measure of the reduction of prejudice. Every situation in which Americans associate freely without racial barriers plays its part in the process of building wholesome mental attitudes. Hence, those who believe that prejudice is caused chiefly by the example of discriminatory practices and can best be overcome by changing those practices welcome any move toward the elimination of discrimination, whether accomplished by law, economic compulsion or purely voluntary action.

1. The Federal Council of Churches, at its 40th anniversary convention, adopted a statement on human rights which condemned racial segregation and urged all American churches to work for its abolition.

2. For the first time in its history, the Methodist Church, at its quadrennial conference on May 4, voted to make it mandatory that a Negro be included on its Judicial Council.

3. A Declaration of Civil Rights, calling for an end of all racial segregation and discrimination, was adopted at Monticello, Va., on November 20 by 200 Southern liberals.

4. The American Association of University Women attempted to expel its Washington, D.C. chapter for refusing to admit a Negro who was a member of the national body. On August 12 a Washington court ruled that the Association's board of directors could not expel the chapter without first changing its by-laws.

5. The Medical Societies of New York County and New York State both supported an amendment to the Constitution of the American Medical Association which would enable Negro doctors to become members of all county groups. The House of Delegates of the AMA, however, refused on June 22 to adopt this recommendation.

6. At its biennial convention in June, the American Nurses Association voted to admit Negroes to direct membership where they are unable to join district associations. It also elected a Negro to its Board of Directors.

★ 7. Gallinger Hospital in Washington, D.C. on February 16 became the first all-white hospital below the Mason-Dixon line to accept Negro internes for training.

★ 8. For the first time in its history the Louisville General Hospital in Kentucky, on November 18, admitted a Negro doctor to train as a part-time resident.

9. The student members of the MIT Chapter of Alpha Chi Sigma, the national chemistry fraternity, surrendered their charter in November in protest against the clause in the national by-laws which limited membership to "non-Semitic members of the Caucasian race."

10. The Alpha chapter of Phi Kappa Psi, at Amherst College, in the fall invited a Negro to become a member. In November the Amherst chapter was notified that the national executive committee of the fraternity had voted to suspend it indefinitely for "infraternal action." The Amherst fraternity reorganized. Establishing itself as an independent organization, the chapter admitted the Negro as planned. On December 16, seven of the 32 Phi Kappa Psi members at Swarthmore College resigned in protest against the Amherst suspension.

11. The national Inter-Fraternity Conference on November 27 voted to continue racial and religious discrimination.

XI. ATHLETICS

Nineteen forty-eight continued the trend in American sports toward equality of opportunity for Negroes. The ideals of sportsmanship and fair play are being applied more and more to organized athletics itself.

1. The fabulous Negro baseball pitcher, "Satchel" Paige, joined the Cleveland "Indians" and appeared briefly in the World Series. Another Negro player, Larry Doby, was a regular on the Cleveland team, and Roy Campanella became the second Negro regular on the Brooklyn team.

2. The U. S. Lawn Tennis Association on March 8 for the first time in its history admitted a Negro to its national tennis championship tournament.

3. Ike Williams, Negro boxer, was named "Fighter of the Year" and won the Edward O'Neil award as the fighter who did most for the game.

4. Despite much pressure, delegates to the American Bowling Congress Convention on April 16 retained its rule against Negroes and other non-Caucasians.

5. In March, Manhattan College declined to participate in the tournament of the National Association of Intercollegiate Basketball because the invitation excluded Negro players. Manhattan College itself did not have Negroes on its squad.

6. In November, Lafayette College in Easton, Pa., rejected an invitation to play football in the Sun Bowl in Texas on New Years Day because a Negro member of the team was excluded from the game.

7. In November the Yale football squad elected Levi Jackson, the first Negro ever to play on the Yale varsity, as its captain for 1949.

8. In the Fall, a football tackle at Harvard became the first Negro in the Ivy League to play in a college game in the South in recent years. He played for Harvard against the University of Virginia at Charlottesville, Va. The same player was also elected class marshal, the first Negro at Harvard to hold that position.

9. Harvard named a Negro in November as its 1949 student manager of football.

XII. GROUP DEFAMATION

There were no significant developments during the year in the flow of anti-Semitic and other race hate propaganda in the country. The conviction of one notorious hate monger for disorderly conduct was upheld by the Illinois Supreme Court.

The Federal Communications Commission, in two proceedings, held that it had the responsibility to prevent dissemination by radio of propaganda tending to create inter-group dissension. The need for developing new techniques for combatting the subtle forms of racism which have invaded those media of communication which reach millions rather than hundreds remains a pressing problem.

1. At the end of the year, the American Jewish Committee reported that "organized anti-Semitic activity in the United States, which began to decline after the war, continued at a low ebb during 1948. At the end of the year, however, there were indications that a reversal of the trend might occur."

2. On October 27, the Anti-Defamation League reported that the political campaign of 1948 showed "a marked decrease in the use of anti-Semitism" as compared with 1940 and 1944.

★ 3. On April 7, 1948, the Federal Communications Commission issued its final decision in the proceeding to determine which five of seventeen applicants should receive FM licenses in the New York Metropolitan area. Evidence had been introduced at this hearing by the American Jewish Congress to show that the publishers of the New York Daily and Sunday News should be denied a license on the ground that they displayed anti-Semitic and anti-Negro bias in their news and editorial columns. In its final decision, the FCC held that the evidence of bias was admissible and that consideration of such evidence by the Commission did not constitute censorship. The News was denied a license, but on other grounds.

4. On November 12, the FCC directed that a hearing be held on complaints against the owner of three stations in Los Angeles, Detroit and Cleveland, which alleged that the owner directed station employees in Los Angeles to slant news items against Jews and against the New Deal. Charges against the sta-

tion were filed by American Jewish Congress, Radio News Club, and other groups.

5. As a result of strong protests by Jewish and other groups, the British film "Oliver Twist" which highlights the Jewish identity of one of its principal villains was not shown in the United States during 1948. Objection to these protests was made by the American Civil Liberties Union.

★ 6. On March 8, the Illinois Supreme Court affirmed the conviction of Arthur Terminiello, the so-called "Father Coughlin of the South" for disturbing the peace at a meeting in Chicago during 1946. On December 13, the United States Supreme Court granted Terminiello's petition for certiorari and the case will be argued early in 1949.

7. During May, the Governor of Mississippi, Fielding L. Wright, told a state-wide radio audience that his State would not permit the elimination of segregation "despite any law passed by Congress." Wright warned the Negro citizens of his State, "If any of you have become so deluded as to want to enter our white schools, patronize our hotels and cafes, enjoy social equality with the whites, then kindness and true sympathy requires me to advise you to make your home in some State other than Mississippi."

CONCLUSION

Is the recent improvement in minority status and welfare primarily the result of the current period of prosperity or does it represent a more fundamental advance in American democracy? The long-term evidence seems to show such a fundamental advance, yet it must be emphasized that a depression or a war would severely test and perhaps reverse these gains.

When it becomes impossible for government officials to advocate racial and religious discrimination and segregation openly, when our federal and state governments accept full responsibility for eliminating all forms of discrimination, public and private, when voluntary associations accept equality as the usual rule, when, in fact, such a balance sheet as this loses its value, we may be able to flatter ourselves on our practice of democracy. At present we can only say that we still have a long way to go.

Published jointly by

NATIONAL ASSOCIATION FOR THE ADVANCEMENT
OF COLORED PEOPLE

20 West 40th Street, New York 18, N. Y.

and

AMERICAN JEWISH CONGRESS

1834 Broadway, New York 23, N. Y.